

1 IN THE UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF TEXAS

3 EL PASO DIVISION

4

5 UNITED STATES OF AMERICA No. EP-06-CR-1853-FM

6 v. El Paso, Texas

7 ARTURO ARZATE, JR. March 25, 2008

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10 PLEA OF GUILTY

11 BEFORE THE HONORABLE FRANK MONTALVO

12 UNITED STATES DISTRICT JUDGE

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14

15 APPEARANCES:

16 For the Government: Juanita Fielden
17 Assistant United States Attorney
700 East San Antonio, Suite 200
El Paso, Texas 79901

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19 For the Defendant: Robert R. Harris
20 Attorney at Law
1100 Montana Ave., Suite 202
El Paso, Texas 79902

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23 Proceedings recorded by stenotype. Transcript produced by
24 computer-aided transcription.

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10:59 1 (Esperanza Gallegos, Spanish Interpreter, present to
2 interpret for Defendants Sandoval, Ramirez, Bastedas, Estrella,
3 Madrigal and Rodriguez.)

4 THE CLERK: EP-06-CR-1853, Arturo Arzate, Jr.;
5 EP-08-CR-108, Eduardo Sandoval Escarzaga; EP-08-CR-248, Samuel
6 Dominguez, Jr.; EP-08-CR-110, Esteban Ramirez-Pena;
7 EP-08-CR-201, Carlos Aaron Bastedas-Chacon; EP-08-CR-322,
8 Abraham Estrella-Moreno; EP-08-CR-327, Salvador
9 Madrigal-Escamilla; and EP-08-CR-344, Jesus Rodriguez-Saucedo.

10 MS. FIELDEN: Juanita Fielden for the government on
11 Arturo Arzate.

12 THE COURT: Good morning, Ms. Fielden.

13 MR. HARRIS: Good morning, Your Honor. Robert Harris
14 for Mr. Arzate. We are ready.

15 THE COURT: Good morning, Mr. Harris.

16 MR. FRANCO: Antonio Franco on behalf of the
17 United States in all the other matters, Your Honor.

18 MS. ROMERO: Good morning, Your Honor. Marie
19 Romero-Martinez for Mr. Sandoval and Mr. Dominguez. We are
20 ready.

21 THE COURT: Good morning, Ms. Romero.

22 MR. HOLGUIN: Good morning, Your Honor. Edgar Holguin
23 for Mr. Ramirez and Mr. Bastedas, ready.

24 THE COURT: Good morning, Mr. Holguin.

25 MS. RODRIGUEZ: Good morning, Your Honor. Rita

11:00 1 Rodriguez standing in for Reggie Trejo on behalf of
2 Mr. Estrella. I am here representing Mr. Madrigal, and I am
3 standing in for Mr. Castaneda on behalf of Jesus Rodriguez, and
4 we are ready.

5 THE COURT: Good morning, Ms. Rodriguez.

6 Adriana, place everyone under oath, please.

7 THE CLERK: Please raise your right hand.

8 (Defendants sworn.)

9 THE COURT: Mr. Arzate, what is your full and correct
10 name, sir?

11 DEFENDANT ARZATE: Arturo Arzate.

12 THE COURT: Mr. Sandoval, what is your full and
13 correct name, sir, please?

14 DEFENDANT SANDOVAL: Eduardo Sandoval Escarzaga.

15 THE COURT: Mr. Dominguez, what is your full and
16 correct name, sir, please?

17 DEFENDANT DOMINGUEZ: Samuel Dominguez, Jr.

18 THE INTERPRETER: I'm sorry, Your Honor, the
19 interpreter -- the defendant does not require an interpreter.

20 THE COURT: That's all right. It helps. I am getting
21 hard of hearing at my old age, so I need to be reinforced.

22 Mr. Ramirez, what is your full and correct name, sir?

23 DEFENDANT RAMIREZ: Esteban Ramirez-Pena.

24 THE COURT: Mr. Bastedas, what is your full and
25 correct name, sir?

11:02 1 DEFENDANT BASTEDAS: Carlos Aaron Bastedas-Chacon.

2 THE COURT: Mr. Estrella, what is your full and
3 correct name, sir?

4 DEFENDANT ESTRELLA: Abraham Estrella-Moreno.

5 THE COURT: You have been in front of me before,
6 haven't you?

7 DEFENDANT ESTRELLA: Yes, Your Honor.

8 THE COURT: That's what I thought.

9 Mr. Madrigal, what is your full and correct name, sir?

10 DEFENDANT MADRIGAL: Salvador Madrigal-Escamilla.

11 THE COURT: Mr. Rodriguez, what is your full and
12 correct name, sir?

13 DEFENDANT RODRIGUEZ: Jesus Rodriguez-Saucedo.

14 THE COURT: Mr. Harris, have you had enough time to
15 discuss the case with your client?

16 MR. HARRIS: Yes, Your Honor, we have.

17 THE COURT: How about you, Ms. Romero?

18 MS. ROMERO: I have, Your Honor.

19 THE COURT: Mr. Holguin?

20 MR. HOLGUIN: Yes, sir.

21 THE COURT: Ms. Rodriguez?

22 MS. RODRIGUEZ: Yes, Your Honor.

23 THE COURT: Based upon the discussion you have had
24 with your respective clients, is there any question in your
25 mind about your client's mental competency to plead guilty this

11:03 1 morning? Mr. Harris?

2 MR. HARRIS: None, Your Honor.

3 MS. ROMERO: No, Your Honor.

4 THE COURT: Ms. Romero?

5 Mr. Holguin?

6 MR. HOLGUIN: No, Your Honor.

7 THE COURT: Ms. Rodriguez?

8 MS. RODRIGUEZ: No, Your Honor.

9 THE COURT: Do you believe your client to have both a
10 factual as well as a rational understanding of the proceedings
11 pending and sufficient ability to discuss them with you with a
12 reasonable degree of rational understanding? Mr. Harris?

13 MR. HARRIS: Yes, Your Honor.

14 THE COURT: Ms. Romero?

15 MS. ROMERO: Yes, Your Honor.

16 THE COURT: Mr. Holguin?

17 MR. HOLGUIN: Yes, Your Honor.

18 THE COURT: Ms. Rodriguez?

19 MS. RODRIGUEZ: Yes, Your Honor.

20 THE COURT: Ms. Fielden, is there anything in the
21 government's file in Mr. Arzate's case that may suggest that
22 Mr. Arzate is not competent to plead guilty today?

23 MS. FIELDEN: No, Your Honor.

24 THE COURT: Mr. Franco, what about the other cases?

25 MR. FRANCO: No, Your Honor.

11:04 1 THE COURT: Mr. Arzate, are you suffering from any
2 kind of illness today, bad headaches, dizzy spells; in other
3 words, are you feeling sick in any way at all?

4 DEFENDANT ARZATE: No, sir.

5 THE COURT: How about you, Mr. Sandoval?

6 DEFENDANT SANDOVAL: No, sir.

7 THE COURT: Mr. Dominguez?

8 DEFENDANT DOMINGUEZ: No, sir.

9 THE COURT: Mr. Ramirez?

10 DEFENDANT RAMIREZ: No, sir.

11 THE COURT: Mr. Bastedas?

12 DEFENDANT BASTEDAS: No, sir.

13 THE COURT: Mr. Estrella?

14 DEFENDANT ESTRELLA: No, sir.

15 THE COURT: Mr. Madrigal?

16 DEFENDANT MADRIGAL: No, sir.

17 THE COURT: Mr. Rodriguez?

18 DEFENDANT RODRIGUEZ: No, sir.

19 THE COURT: Are you suffering from any kind of mental
20 or emotional difficulties, anxiety, depression, perhaps you are
21 seeing a psychiatrist, anything like that, anything that may
22 affect your ability to concentrate and pay attention to what we
23 are doing here this morning? Mr. Arzate?

24 DEFENDANT ARZATE: No, sir.

25 THE COURT: Mr. Sandoval?

11:05 1 DEFENDANT SANDOVAL: No, sir.

2 THE COURT: Mr. Dominguez?

3 DEFENDANT DOMINGUEZ: No, sir.

4 THE COURT: Mr. Ramirez?

5 DEFENDANT RAMIREZ: No, sir.

6 THE COURT: Mr. Bastedas?

7 DEFENDANT BASTEDAS: No, sir.

8 THE COURT: Mr. Estrella?

9 DEFENDANT ESTRELLA: No, sir.

10 THE COURT: Mr. Madrigal?

11 DEFENDANT MADRIGAL: No, sir.

12 THE COURT: Mr. Rodriguez?

13 DEFENDANT RODRIGUEZ: No, sir.

14 THE COURT: Are you taking any kind of medication or

15 drugs or perhaps you ate or drank something before you came

16 here this morning that, again, may affect your ability to

17 understand what we are doing here today? Mr. Arzate?

18 DEFENDANT ARZATE: No, sir.

19 THE COURT: Mr. Sandoval?

20 DEFENDANT SANDOVAL: No, sir.

21 THE COURT: Mr. Dominguez?

22 DEFENDANT DOMINGUEZ: No, sir.

23 THE COURT: Mr. Ramirez?

24 DEFENDANT RAMIREZ: No, sir.

25 THE COURT: Mr. Bastedas?

11:05 1 DEFENDANT BASTEDAS: No, sir.

2 THE COURT: Mr. Estrella?

3 DEFENDANT ESTRELLA: No, sir.

4 THE COURT: Mr. Madrigal?

5 DEFENDANT MADRIGAL: No, sir.

6 THE COURT: Mr. Rodriguez?

7 DEFENDANT RODRIGUEZ: No, sir.

8 THE COURT: I am asking you all these questions
9 because I need to make sure you understand everything we are
10 doing here today. I am going to be saying a lot of things to
11 you. I am going to be asking you a lot of things. I need to
12 make sure you understand everything that I am talking to you
13 about.

14 If at any point in time I say something to you you
15 don't understand, let me know, I will be happy to explain it or
16 clarify it. Or if you want to talk to your lawyer before you
17 answer one of my questions, let me know, and I will let you
18 have whatever time you need to talk to your lawyer in private.

19 Keep one thing in mind: Each one of you is under
20 oath. So every time you open your mouth to talk to me, you got
21 to make sure you are speaking the truth. Better for you to be
22 quiet than to lie to me, very simple deal. This is not rocket
23 science. You lie to me, you are going to get charged with
24 another federal offense. And you are going to serve more time
25 in prison.

11:06 1 Do you understand that, Mr. Arzate?

2 DEFENDANT ARZATE: Yes, sir.

3 THE COURT: Mr. Sandoval, do you understand that?

4 DEFENDANT SANDOVAL: Yes, sir.

5 THE COURT: Mr. Dominguez?

6 DEFENDANT DOMINGUEZ: Yes, sir.

7 THE COURT: Mr. Ramirez?

8 DEFENDANT RAMIREZ: Yes.

9 THE COURT: Mr. Bastedas?

10 DEFENDANT BASTEDAS: Yes, sir.

11 THE COURT: Mr. Estrella?

12 DEFENDANT ESTRELLA: Yes, sir.

13 THE COURT: Mr. Madrigal?

14 DEFENDANT MADRIGAL: Yes, sir.

15 THE COURT: Mr. Rodriguez?

16 DEFENDANT RODRIGUEZ: Yes, sir.

17 THE COURT: I am going to ask the lawyer for the

18 government now to go over the allegations the government is

19 making against each one of you and to tell you what the

20 possible penalties are that each one of you face by pleading

21 guilty to those allegations.

22 A term each of the lawyers for the government are

23 going to use in each of your cases is "supervised release."

24 What "supervised release" is is a period of time following any

25 sentence of incarceration during which you have to comply with

11:07 1 certain rules and conditions and your failure to do that will
2 in all likelihood result in you going back to prison.
3 Mr. Arzate, do you understand that, sir?
4 DEFENDANT ARZATE: Yes, sir.
5 THE COURT: Mr. Sandoval?
6 DEFENDANT SANDOVAL: Yes, sir.
7 THE COURT: Mr. Dominguez?
8 DEFENDANT DOMINGUEZ: Yes, sir.
9 THE COURT: Mr. Ramirez?
10 DEFENDANT RAMIREZ: Yes, sir.
11 THE COURT: Mr. Bastedas?
12 DEFENDANT BASTEDAS: Yes, sir.
13 THE COURT: Mr. Estrella?
14 DEFENDANT ESTRELLA: Yes, sir.
15 THE COURT: Mr. Madrigal?
16 DEFENDANT MADRIGAL: Yes, sir.
17 THE COURT: Mr. Rodriguez?
18 DEFENDANT RODRIGUEZ: Yes, sir.
19 THE COURT: Ms. Fielden, you may proceed, ma'am.
20 MS. FIELDEN: Thank you, Your Honor.
21 Mr. Arzate, you are charged in a three-count
22 indictment. Count one alleges a conspiracy to possess with
23 intent to distribute a controlled substance, the offense
24 involving 500 grams or more of a mixture or substance
25 containing a detectable amount of marijuana, a Schedule II

11:08 1 controlled substance, with intent to distribute the same.

2 The time frame of that conspiracy is --

3 THE COURT: Marijuana or cocaine?

4 MS. FIELDEN: This is cocaine, Your Honor.

5 THE COURT: Okay. I thought you said "marijuana."

6 Start again, please.

7 MS. FIELDEN: Count one, beginning on or about
8 November 1, 2005, and continuing to on or about September 17,
9 2006, in the Western District of Texas and elsewhere, that you,
10 Arturo Arzate, and another individual knowingly, intentionally,
11 and unlawfully conspired, combined, confederated, and agreed
12 together and with each other and with others to the grand jury
13 unknown to possess a controlled substance, which offense
14 involved 500 grams or more of a mixture or substance containing
15 a detectable amount of cocaine, a Schedule II controlled
16 substance, with intent to distribute the same, contrary to
17 Title 21, United States Code, Section 841(a)(1),
18 841(b)(1)(B)(ii), all in violation of Title 21, United States
19 Code, Section 846.

20 Sir, do you understand that charge?

21 DEFENDANT ARZATE: Yes, I do.

22 MS. FIELDEN: The range of punishment for that
23 particular offense is that you may be imprisoned for not less
24 than five years or up to 40 years. In addition, you may be
25 fined an amount not to exceed \$2 million. You may be placed on

11:09 1 supervised release for a period of time not greater than five
2 years and a \$100 special assessment.

3 Mr. Arzate, do you understand that range of
4 punishment?

5 DEFENDANT ARZATE: Yes, I do.

6 MS. FIELDEN: Count one and two are the same type of
7 offense, and they are a bribery offense. Count one [sic]
8 alleges that on or about May 5, 2006, in the Western District
9 of Texas, that you, Arturo Arzate, Jr., who at that time was a
10 public official; to wit, a Border Patrol agent with the
11 United States Department of Homeland Security, Customs & Border
12 Protection, directly and indirectly did corruptly demand, seek,
13 receive, accept, and agree to receive and accept something of
14 value; to wit, \$10,000 in United States currency, personally,
15 in return for and with the intent of being induced to act and
16 omit to act -- or omit to do an act in violation of his
17 official duties, specifically to allow narcotic-laden vehicles
18 to go through a United States Border Patrol checkpoint without
19 inspection, all in violation of Title 18, United States Code,
20 Section 201(b) (2) (C).

21 Count three, which is the same type of count, alleges
22 that on or about June 1, 2006, in the Western District of
23 Texas, that the defendant, Arturo Arzate, Jr., a public
24 official; to wit, a Border Patrol agent with the United States
25 Department of Homeland Security, Customs & Border Protection,

11:10 1 directly and indirectly did corruptly demand, seek, and
2 receive, accept, and agree to receive and accept something of
3 value; to wit, \$6,000 in United States currency, personally, in
4 return for and with the intent of being induced to act and omit
5 to act -- to do an act in violation of his official duties,
6 specifically to allow narcotic-laden vehicles to go through a
7 United States Border Patrol checkpoint without inspection, all
8 in violation of Title 18, United States Code, Section
9 201(b) (2) (C).

10 Mr. Arzate, do you understand this count two and count
11 three?

12 DEFENDANT ARZATE: Yes, I do.

13 MS. FIELDEN: The range of punishment for both of
14 those offenses: That you may be imprisoned not to exceed 15
15 years; you may be fined \$250,000 or three times the monetary
16 equivalent of the bribe that was taken; you may be placed on
17 supervised release for up to three years; and a \$100 special
18 assessment.

19 Do you understand the range of punishment?

20 DEFENDANT ARZATE: Yes, I do.

21 THE COURT: Thank you, Ms. Fielden.

22 Mr. Franco.

23 MR. FRANCO: Mr. Sandoval, you stand charged in a
24 two-count indictment; however, pursuant to a plea agreement,
25 you have agreed to plead guilty to only count one of that

11:12 1 indictment, charging you with importation of a controlled
2 substance. That charge reads as follows: That on or about
3 December 10, 2007, in the Western District of Texas, that you
4 knowingly and intentionally imported into the United States
5 from Mexico a controlled substance, which offense involved a
6 quantity of a mixture or substance containing a detectable
7 amount of marijuana, a Schedule I controlled substance, in
8 violation of United States law.

9 Mr. Sandoval, do you understand what you are pleading
10 guilty to today?

11 DEFENDANT SANDOVAL: Yes, I do.

12 MR. FRANCO: The maximum sentence you face is up to
13 five years in prison, up to a \$250,000 fine, at least two years
14 of supervised release, and a \$100 special assessment.

15 Do you understand the potential punishment you face by
16 pleading guilty to this charge?

17 DEFENDANT SANDOVAL: Yes, I do.

18 MR. FRANCO: Mr. Dominguez, you also stand charged in
19 a two-count indictment; however, pursuant to a plea agreement,
20 you also are only agreeing to plead guilty to count one of that
21 indictment charging you with importation of a controlled
22 substance.

23 That charge reads as follows: That on or about
24 January 6, 2008, in the Western District of Texas, that you
25 knowingly and intentionally imported into the United States

11:13 1 from Mexico a controlled substance, which offense involved a
2 quantity of a mixture or substance containing a detectable
3 amount of marijuana, a Schedule I controlled substance, in
4 violation of United States law.

5 Do you understand what you are pleading guilty to
6 today?

7 DEFENDANT DOMINGUEZ: Yes, sir.

8 MR. FRANCO: The maximum punishment you face is up to
9 five years in prison, up to a \$250,000 fine, at least two years
10 of supervised release, and a \$100 special assessment.

11 Do you understand the potential punishment you face by
12 pleading guilty to this charge?

13 DEFENDANT DOMINGUEZ: Yes, sir.

14 MR. FRANCO: Mr. Ramirez, you also stand charged in a
15 two-count indictment, and pursuant to a plea agreement, you
16 also are only pleading guilty to count one of that indictment,
17 charging you with importation of a controlled substance.

18 That charge reads as follows: That on or about
19 December 16, 2007, in the Western District of Texas, that you
20 knowingly and intentionally imported into the United States
21 from Mexico a controlled substance, which offense involved a
22 quantity of a mixture or substance containing a detectable
23 amount of marijuana, a Schedule I controlled substance, in
24 violation of United States law. Do you understand what you are
25 pleading guilty to, Mr. Ramirez?

11:14 1 DEFENDANT RAMIREZ: Yes, Your Honor.

2 MR. FRANCO: The maximum punishment you face is up to
3 five years in prison, up to a \$250,000 fine, at least two years
4 of supervised release, and a \$100 special assessment.

5 Do you understand the maximum punishment you face by
6 pleading guilty to this charge?

7 DEFENDANT RAMIREZ: Yes, sir.

8 MR. FRANCO: Mr. Bastedas, you stand charged in a
9 four-count indictment; however, pursuant to a plea agreement,
10 you are only pleading guilty to count one of that indictment
11 charging you with conspiracy to import a controlled substance.

12 That charge reads as follows: That on or about
13 December 20, 2007, in the Western District of Texas, that you,
14 along with another individual, knowingly and intentionally and
15 unlawfully conspired, combined, confederated, and agreed
16 together and with others to the grand jury unknown to commit
17 offenses against the United States, in violation of
18 United States law.

19 That is to say that you conspired to import a
20 controlled substance, which offense involved 50 kilograms or
21 more of a mixture or substance containing a detectable amount
22 of marijuana, a Schedule I controlled substance, into the
23 United States from Mexico, in violation of United States law.

24 Do you understand what you are pleading guilty to
25 today?

11:15 1 DEFENDANT BASTEDAS: Yes, sir.

2 MR. FRANCO: The maximum punishment you face is up to
3 20 years in prison, up to a \$1 million fine, at least three
4 years of supervised release, and a \$100 special assessment.

5 Do you understand the maximum punishment you face by
6 pleading guilty to this charge?

7 DEFENDANT BASTEDAS: Yes, sir.

8 MR. FRANCO: Mr. Estrella, you stand charged in a
9 one-count indictment and are pleading guilty to that
10 indictment, charging you with attempted illegal reentry into
11 the United States.

12 That charge reads as follows: That on or about
13 January 15, 2008, in the Western District of Texas, that you,
14 an alien, knowingly and intentionally attempted to enter the
15 United States after having been denied admission, excluded,
16 deported, and removed therefrom on or about June 22, 2007, and
17 not having obtained the express consent of the Attorney General
18 of the United States and the Secretary of Homeland Security, to
19 re-apply for admission thereto, and did commit an overt act
20 that was a substantial step towards entering the United States
21 by trying to circumvent the primary inspection booth and
22 eluding inspection, in violation of United States law.

23 Mr. Estrella, do you understand what you are pleading
24 guilty to today?

25 DEFENDANT ESTRELLA: Yes, sir.

11:16 1 MR. FRANCO: In your case, the government has filed a
2 notice of intent to seek an increased statutory penalty. That
3 means that the maximum punishment you face is up to 20 years in
4 prison, up to a \$250,000 fine, not more than three years of
5 supervised release, and a \$100 special assessment.

6 Do you understand the maximum punishment you face by
7 pleading guilty to this charge?

8 DEFENDANT ESTRELLA: Yes, sir.

9 MR. FRANCO: Mr. Madrigal, you also stand charged in a
10 one-count indictment charging you with attempted illegal
11 reentry into the United States. That charge reads as follows:
12 That on or about January 13, 2008, in the Western District of
13 Texas, that you, an alien, knowingly and intentionally
14 attempted to enter the United States after having been denied
15 admission, excluded, deported, and removed therefrom on or
16 about October 26, 1995, and not having obtained the express
17 consent of the Attorney General of the United States and the
18 Secretary of Homeland Security to re-apply for admission
19 thereto and did commit an overt act that was a substantial step
20 towards entering the United States, by presenting a Form
21 DSP-150 border crossing card, bearing the name and photograph
22 of another to a Customs & Border Protection officer, in
23 violation of United States law.

24 Do you understand what you are pleading guilty to?

25 DEFENDANT MADRIGAL: Yes, sir.

11:17 1 MR. FRANCO: In your case, the government has filed a
2 notice of intent to seek an increased statutory penalty, which
3 means that the maximum punishment you face is up to ten years
4 in prison, up to a \$250,000 fine, not more than three years of
5 supervised release, and a \$100 special assessment.

6 Do you understand the maximum punishment you face by
7 pleading guilty to this charge?

8 DEFENDANT MADRIGAL: Yes, sir.

9 MR. FRANCO: Mr. Rodriguez, you stand charged in a
10 two-count indictment. However, pursuant to a plea agreement,
11 you are agreeing to plead guilty to only count one of that
12 indictment, charging you with importation of a controlled
13 substance.

14 That charge reads as follows: That on or about
15 January 11, 2008, in the Western District of Texas, that you
16 knowingly and intentionally imported into the United States
17 from Mexico a controlled substance, which offense involved a
18 quantity of a mixture or substance containing a detectable
19 amount of marijuana, a Schedule I controlled substance, in
20 violation of United States law.

21 Do you understand what you are pleading guilty to
22 today?

23 DEFENDANT RODRIGUEZ: Yes, sir.

24 MR. FRANCO: The maximum punishment you face is up to
25 five years in prison, at least -- and up to a \$250,000 fine, at

11:18 1 least two years of supervised release, and a \$100 special
2 assessment.

3 Do you understand the maximum punishment you face by
4 pleading guilty to this charge?

5 DEFENDANT RODRIGUEZ: Yes.

6 MR. FRANCO: Thank you, Your Honor.

7 THE COURT: Thank you, Mr. Franco.

8 Mr. Arzate, are you here this morning to plead guilty
9 voluntarily?

10 DEFENDANT ARZATE: I'm sorry, sir? I couldn't hear
11 you.

12 THE COURT: Are you here this morning to plead guilty
13 voluntarily?

14 DEFENDANT ARZATE: Yes, sir.

15 THE COURT: How about you, Mr. Sandoval?

16 DEFENDANT SANDOVAL: Yes, sir.

17 THE COURT: Mr. Dominguez?

18 DEFENDANT DOMINGUEZ: Yes, sir.

19 THE COURT: Mr. Ramirez?

20 DEFENDANT RAMIREZ: Yes, Your Honor.

21 THE COURT: Mr. Bastedas?

22 DEFENDANT BASTEDAS: Yes, sir.

23 THE COURT: Mr. Estrella?

24 DEFENDANT ESTRELLA: Yes, sir.

25 THE COURT: Mr. Madrigal?

11:19 1 DEFENDANT MADRIGAL: Yes, sir.

2 THE COURT: Mr. Rodriguez?

3 DEFENDANT RODRIGUEZ: Yes, sir.

4 THE COURT: Anyone force you, threaten you, or coerce
5 you in any way into pleading guilty this morning? Mr. Arzate?

6 DEFENDANT ARZATE: No, sir.

7 THE COURT: Mr. Sandoval?

8 DEFENDANT SANDOVAL: No, sir.

9 THE COURT: Mr. Dominguez?

10 DEFENDANT DOMINGUEZ: No, sir.

11 THE COURT: Mr. Ramirez?

12 DEFENDANT RAMIREZ: No, sir.

13 THE COURT: Mr. Bastedas?

14 DEFENDANT BASTEDAS: No, sir.

15 THE COURT: Mr. Estrella?

16 DEFENDANT ESTRELLA: No, sir.

17 THE COURT: Mr. Madrigal?

18 DEFENDANT MADRIGAL: No, sir.

19 THE COURT: Mr. Rodriguez?

20 DEFENDANT RODRIGUEZ: No, sir.

21 THE COURT: Mr. Arzate, has anyone made any promises
22 to you or offered you any deals to make you plead guilty in
23 your case that I have not been told about?

24 DEFENDANT ARZATE: No, sir.

25 THE COURT: Mr. Estrella, has anyone offered you

11:20 1 anything or made any deals with you to make you plead guilty in
2 your case that I have not been told about?

3 DEFENDANT ESTRELLA: Nobody, sir (In English).

4 THE COURT: How about you, Mr. Madrigal, anyone offer
5 you anything, any deals, any offers to make you plead guilty in
6 your case that I have not been told about?

7 DEFENDANT MADRIGAL: No, sir.

8 THE COURT: Mr. Sandoval, Mr. Dominguez, Mr. Ramirez,
9 Mr. Bastedas, and Mr. Rodriguez, the five of you are pleading
10 guilty pursuant to a plea agreement with the government in each
11 of your cases. About that plea agreement, let me ask you, did
12 you have enough time to talk to your lawyer about the plea
13 agreement before you signed it so that you made sure you
14 understood the terms and conditions of that plea agreement?

15 Mr. Sandoval?

16 DEFENDANT SANDOVAL: Yes, sir.

17 THE COURT: Mr. Dominguez?

18 DEFENDANT DOMINGUEZ: Yes, sir.

19 THE COURT: Mr. Ramirez?

20 DEFENDANT RAMIREZ: Yes, sir.

21 THE COURT: Mr. Bastedas?

22 DEFENDANT BASTEDAS: Yes, sir.

23 THE COURT: Mr. Rodriguez?

24 DEFENDANT RODRIGUEZ: Yes, sir.

25 THE COURT: Has anything been offered to you to make

11:21 1 you plead guilty in your case that is not written down, in
2 other words, that is not included on the plea agreement
3 document you signed? Mr. Sandoval?

4 DEFENDANT SANDOVAL: No, sir.

5 THE COURT: Mr. Dominguez?

6 DEFENDANT DOMINGUEZ: No, sir.

7 THE COURT: Mr. Ramirez?

8 DEFENDANT RAMIREZ: No, sir.

9 THE COURT: Mr. Bastedas?

10 DEFENDANT BASTEDAS: No, sir.

11 THE COURT: Mr. Rodriguez?

12 DEFENDANT RODRIGUEZ: No, sir.

13 THE COURT: Understanding the allegations the
14 government is making against you, understanding the penalties
15 you face by pleading guilty to those allegations, and
16 understanding that you are here voluntarily to plead guilty
17 today, how do you plead to the allegations the government is
18 making against you, guilty or not guilty? Mr. Arzate?

19 DEFENDANT ARZATE: Guilty.

20 THE COURT: Mr. Sandoval?

21 DEFENDANT SANDOVAL: Guilty.

22 THE COURT: Mr. Dominguez?

23 DEFENDANT DOMINGUEZ: Guilty.

24 THE COURT: Mr. Ramirez?

25 DEFENDANT RAMIREZ: Guilty.

11:21 1 THE COURT: Mr. Bastedas?

2 DEFENDANT BASTEDAS: Guilty.

3 THE COURT: Mr. Estrella?

4 DEFENDANT ESTRELLA: Guilty, sir.

5 THE COURT: Mr. Madrigal?

6 DEFENDANT MADRIGAL: Guilty, sir.

7 THE COURT: Mr. Rodriguez?

8 DEFENDANT RODRIGUEZ: Guilty, sir.

9 THE COURT: Before I accept your plea of guilty, I am
10 going to go over the rights you are giving up by pleading
11 guilty. Let me ask you, first of all, have you had enough time
12 to talk to your lawyer about your case? Mr. Arzate?

13 DEFENDANT ARZATE: Yes, sir.

14 THE COURT: Mr. Sandoval?

15 DEFENDANT SANDOVAL: Yes, sir.

16 THE COURT: Mr. Dominguez?

17 DEFENDANT DOMINGUEZ: Yes, sir.

18 THE COURT: Mr. Ramirez?

19 DEFENDANT RAMIREZ: Yes, sir.

20 THE COURT: Mr. Bastedas?

21 DEFENDANT BASTEDAS: Yes, sir.

22 THE COURT: Mr. Estrella?

23 DEFENDANT ESTRELLA: Yes, sir.

24 THE COURT: Mr. Madrigal?

25 DEFENDANT MADRIGAL: Yes, sir.

11:22 1 THE COURT: Mr. Rodriguez?

2 DEFENDANT RODRIGUEZ: Yes, sir.

3 THE COURT: Are you satisfied with the work your
4 lawyer has done for you up to this point in your case?
5 Mr. Arzate?

6 DEFENDANT ARZATE: Yes, sir.

7 THE COURT: Mr. Sandoval?

8 DEFENDANT SANDOVAL: Yes, sir.

9 THE COURT: Mr. Dominguez?

10 DEFENDANT DOMINGUEZ: Yes, sir.

11 THE COURT: Mr. Ramirez?

12 DEFENDANT RAMIREZ: Yes, sir.

13 THE COURT: Mr. Bastedas?

14 DEFENDANT BASTEDAS: Yes, sir.

15 THE COURT: Mr. Estrella?

16 DEFENDANT ESTRELLA: Yes, sir.

17 THE COURT: Mr. Madrigal?

18 DEFENDANT MADRIGAL: Yes, sir.

19 THE COURT: Mr. Rodriguez?

20 DEFENDANT RODRIGUEZ: Yes, sir.

21 THE COURT: Do you understand that you are entitled to
22 have a lawyer represent you at every step of the proceedings in
23 your case? And if for some reason the lawyer you have right
24 now cannot continue to represent you, and you cannot afford to
25 hire a lawyer to continue representing you, I will appoint

11:23 1 another lawyer to continue representing you at no cost to you?

2 Do you understand that, Mr. Arzate?

3 DEFENDANT ARZATE: Yes, sir.

4 THE COURT: Mr. Sandoval, do you understand that?

5 DEFENDANT SANDOVAL: Yes, sir.

6 THE COURT: Mr. Dominguez?

7 DEFENDANT DOMINGUEZ: Yes, sir.

8 THE COURT: Mr. Ramirez?

9 DEFENDANT RAMIREZ: Yes, sir.

10 THE COURT: Mr. Bastedas?

11 DEFENDANT BASTEDAS: Yes, sir.

12 THE COURT: Mr. Estrella?

13 DEFENDANT ESTRELLA: Yes, sir.

14 THE COURT: Mr. Madrigal?

15 DEFENDANT MADRIGAL: Yes, sir.

16 THE COURT: Mr. Rodriguez?

17 DEFENDANT RODRIGUEZ: Yes, sir.

18 THE COURT: Do you understand that under the law you
19 are presumed to be innocent, and it is the government's
20 responsibility to prove the allegations the government is
21 making against you, and the government must do that by evidence
22 beyond a reasonable doubt?

23 Do you understand that, Mr. Arzate?

24 DEFENDANT ARZATE: Yes, sir.

25 THE COURT: Mr. Sandoval?

11:23 1 DEFENDANT SANDOVAL: Yes, sir.

2 THE COURT: Mr. Dominguez?

3 DEFENDANT DOMINGUEZ: Yes, sir.

4 THE COURT: Mr. Ramirez?

5 DEFENDANT RAMIREZ: Yes, sir.

6 THE COURT: Mr. Bastedas?

7 DEFENDANT BASTEDAS: Yes, sir.

8 THE COURT: Mr. Estrella?

9 DEFENDANT ESTRELLA: Yes, sir.

10 THE COURT: Mr. Madrigal?

11 DEFENDANT MADRIGAL: Yes, sir.

12 THE COURT: Mr. Rodriguez?

13 DEFENDANT RODRIGUEZ: Yes, sir.

14 THE COURT: Do you understand that by pleading guilty
15 this morning, you are giving up the right you have to have a
16 jury hear the evidence the government has against you and have
17 the jury decide whether you are guilty or not of the
18 allegations the government is making against you?

19 By giving up that right, you are giving up the right
20 you have to have your lawyer question the witnesses the
21 government has against you. You are also giving up the right
22 you have to challenge the evidence the government has against
23 you. You are giving up the right you have to bring witnesses
24 to court to testify on your behalf, and you are giving up the
25 right to present any other evidence. You are forever giving up

11:24 1 those rights because you are pleading guilty this morning.

2 Do you understand that, Mr. Arzate?

3 DEFENDANT ARZATE: Yes, sir.

4 THE COURT: Mr. Sandoval, do you understand that?

5 DEFENDANT SANDOVAL: Yes, sir.

6 THE COURT: Mr. Dominguez?

7 DEFENDANT DOMINGUEZ: Yes, sir.

8 THE COURT: Mr. Ramirez?

9 DEFENDANT RAMIREZ: Yes, sir.

10 THE COURT: Mr. Bastedas?

11 DEFENDANT BASTEDAS: Yes, sir.

12 THE COURT: Mr. Estrella?

13 DEFENDANT ESTRELLA: Yes, sir.

14 THE COURT: Mr. Madrigal?

15 DEFENDANT MADRIGAL: Yes, sir.

16 THE COURT: Mr. Rodriguez?

17 DEFENDANT RODRIGUEZ: Yes, sir.

18 THE COURT: Do you also understand that by pleading
19 guilty this morning, you are giving up the right you have to
20 remain silent? You see, at the time of trial, you don't have
21 to testify on your own behalf. You may if you want to do so,
22 but you don't have to. And no one can hold against you that
23 you exercised the right to remain silent.

24 Now, by pleading guilty today, you are giving up that
25 right because you have to admit to the allegations the

11:25 1 government is making against you, and you also have to admit to
2 the facts that support those allegations.

3 Is that clear to you, Mr. Arzate?

4 DEFENDANT ARZATE: Yes, sir.

5 THE COURT: Is that clear to you, Mr. Sandoval?

6 DEFENDANT SANDOVAL: Yes, sir.

7 THE COURT: Mr. Dominguez, is that clear to you?

8 DEFENDANT DOMINGUEZ: Yes, sir.

9 THE COURT: Mr. Ramirez, is that clear to you?

10 DEFENDANT RAMIREZ: Yes, sir.

11 THE COURT: Mr. Bastedas?

12 DEFENDANT BASTEDAS: Yes, sir.

13 THE COURT: Mr. Estrella?

14 DEFENDANT ESTRELLA: Yes, sir.

15 THE COURT: Mr. Madrigal?

16 DEFENDANT MADRIGAL: Yes, sir.

17 THE COURT: Mr. Rodriguez?

18 DEFENDANT RODRIGUEZ: Yes, sir.

19 THE COURT: You also need to understand that the
20 responsibility to determine what a fair sentence is in your
21 case -- in each of your cases is my responsibility. It is not
22 your lawyer's. It is not the government. It is not some
23 committee in Washington. It is my responsibility.

24 You need to understand that, because you do not have a
25 right to withdraw your plea of guilty in your case if you are

11:26 1 dissatisfied with the sentence you receive in this case.

2 Do you understand that, Mr. Arzate?

3 DEFENDANT ARZATE: Yes.

4 THE COURT: Mr. Sandoval?

5 DEFENDANT SANDOVAL: Yes, sir.

6 THE COURT: Mr. Dominguez?

7 DEFENDANT DOMINGUEZ: Yes, sir.

8 THE COURT: Mr. Ramirez?

9 DEFENDANT RAMIREZ: Yes, sir.

10 THE COURT: Mr. Bastedas?

11 DEFENDANT BASTEDAS: Yes, sir.

12 THE COURT: Mr. Estrella?

13 DEFENDANT ESTRELLA: Yes, sir.

14 THE COURT: Mr. Madrigal?

15 DEFENDANT MADRIGAL: Yes, sir.

16 THE COURT: Mr. Rodriguez?

17 DEFENDANT RODRIGUEZ: Yes, sir.

18 THE COURT: In your case, Mr. Sandoval, Mr. Dominguez,
19 Mr. Ramirez, Mr. Bastedas, and Mr. Rodriguez, because the five
20 of you are pleading guilty pursuant to a plea agreement with
21 the government, you also need to understand that you are giving
22 up the right you have to appeal your case, save and except for
23 two very limited circumstances.

24 Those two circumstances are the following: You can
25 appeal your case if the government engaged in illegal conduct

11:27 1 in bringing the case against you, and you can appeal your case
2 if you received ineffective assistance from your lawyer. Other
3 than those two situations, you cannot appeal your case.

4 Mr. Sandoval, do you understand that, sir?

5 DEFENDANT SANDOVAL: Yes, sir.

6 THE COURT: Mr. Dominguez, do you understand that,
7 sir?

8 DEFENDANT DOMINGUEZ: Yes, sir.

9 THE COURT: Mr. Ramirez, do you understand that, sir?

10 DEFENDANT RAMIREZ: Yes, sir.

11 THE COURT: Mr. Bastedas?

12 DEFENDANT BASTEDAS: Yes, sir.

13 THE COURT: Mr. Rodriguez?

14 DEFENDANT RODRIGUEZ: Yes, sir.

15 THE COURT: I have gone over the rights that each of
16 you is giving up by pleading guilty. This is what I need to
17 know: Understanding the rights you are giving up by pleading
18 guilty, do you still want to go ahead with this plea of guilty,
19 yes or no? Mr. Arzate?

20 DEFENDANT ARZATE: Yes.

21 THE COURT: Mr. Sandoval?

22 DEFENDANT SANDOVAL: Yes.

23 THE COURT: Mr. Dominguez?

24 DEFENDANT DOMINGUEZ: Yes, sir.

25 THE COURT: Mr. Ramirez?

11:28 1 DEFENDANT RAMIREZ: Yes, sir.

2 THE COURT: Mr. Bastedas?

3 DEFENDANT BASTEDAS: Yes, sir.

4 THE COURT: Mr. Estrella?

5 DEFENDANT ESTRELLA: Yes, sir (In English).

6 THE COURT: Mr. Madrigal?

7 DEFENDANT MADRIGAL: Yes, sir.

8 THE COURT: Mr. Rodriguez?

9 DEFENDANT RODRIGUEZ: Yes, sir.

10 THE COURT: Ms. Fielden, let me have the factual basis
11 of the allegations against Mr. Arzate, please.

12 MS. FIELDEN: Yes, Your Honor. This investigation
13 began in November of 2005, when the FBI received information
14 that the defendant, Arturo Arzate, Jr., who is a Border Patrol
15 agent with the United States Department of Homeland Security,
16 Customs & Border Protection, was allowing loads of narcotics to
17 pass through the Border Patrol checkpoint located at Highway
18 62/180 in El Paso County, Texas, and was doing this for an
19 individual by the name of David Soto.

20 After the investigation was initiated, on April 23,
21 2006, a cooperating witness met with Arzate in El Paso County
22 and discussed -- and during this meeting discussed the
23 smuggling of 200 to 300 pounds of marijuana through the
24 checkpoint at 62/180.

25 On April 24, the cooperating witness and Arzate met at

11:29 1 a bar in El Paso and agreed that Arzate would allow the CW to
2 transport 200 pounds of marijuana through the Border Patrol
3 checkpoint without inspection while Arzate was working at the
4 checkpoint. Arzate, the -- Arzate and the CW agreed that
5 Arzate would be paid \$50 for every pound of marijuana
6 transported through the checkpoint.

7 On May 3, 2006, at approximately 9:30 p.m., an El Paso
8 County Sheriff's deputy, who was acting in an undercover
9 capacity, and the CW traveled through the U.S. Border Patrol
10 checkpoint at 62/180 in a Dodge flatbed pickup, which Arzate
11 believed contained the load of marijuana. Arzate stood at the
12 driver's side window of the vehicle as it passed through the
13 checkpoint and waved the vehicle through.

14 On May 5, 2006, the undercover agent and the CW met
15 with Arzate who entered the vehicle driven by the undercover
16 agent. Once inside the vehicle, the undercover agent thanked
17 Arzate for his assistance and gave Arzate a bank bag containing
18 \$10,000 in United States currency. The undercover agent stated
19 he was pleased and requested Arzate's assistance in the future.
20 Arzate agreed to provide further assistance in the smuggling,
21 transportation, and distribution of controlled substance. This
22 particular meeting was consensually recorded.

23 Then on May 26, 2006, Arzate contacted the CW and
24 asked him if he was ready to transport narcotics that day.
25 Arzate told him that he would meet him at a restaurant after --

11:31 1 in about 40 minutes. The undercover agent and the CW met with
2 Arzate at an Arby's restaurant here in El Paso, and that
3 meeting was consensually recorded. During this meeting, Arzate
4 agreed to allow six kilograms of cocaine to pass through the
5 62/180 Border Patrol checkpoint without inspection for a fee of
6 \$1,000 per kilogram while he was on duty. Arzate told the
7 undercover agent to drive through the 62/180 checkpoint at
8 approximately 6:15 p.m. that evening.

9 Let's see -- the UC and the CW drove the Dodge flatbed
10 through -- the pickup truck through the 62/180 checkpoint at
11 approximately 6:15 with the six kilograms of cocaine hidden in
12 a hidden compartment under the bed of the truck. The
13 undercover agent stated Arzate stood at the driver's side
14 window of the vehicle as it passed through and waved the
15 vehicle through. Arzate said *gracias* to the undercover agent
16 as he drove through the checkpoint.

17 On May 31, the CW called Arzate to arrange a time,
18 place to provide payment of \$6,000 for this 6 kilograms of
19 cocaine that had passed through the checkpoint. Arzate met the
20 undercover agent and the meeting was consensually recorded.
21 And he received the \$6,000 in U.S. currency.

22 On September 14, the undercover and Arzate met at a
23 parking lot and negotiated for the purchase of a kilogram of
24 cocaine, which Arzate was to broker for the price of \$13,500.
25 Subsequently, Mr. Arzate was arrested, gave a postarrest

11:32 1 statement where he admitted his involvement in the
2 transactions, which we have just discussed. He also admitted
3 that he had been allowing loads of illegal drugs to pass
4 through the checkpoints since 1990 for another individual; that
5 he started dealing with David Soto and allowed him to pass
6 loads through for approximately since 2001 and was paid \$3,000
7 to \$7,000 per load.

8 He also admitted that on August 9 -- I should go back
9 and say that Mr. Soto was murdered in August of 2006. But on
10 August 9, Arzate transported about 90 pounds of cocaine
11 belonging to Mr. Soto and transported it through the 62/180
12 checkpoint and traveled to Van Horn, Texas.

13 He also, after Mr. Soto was murdered, started working
14 for another individual who was, at that time, Mr. Soto's silent
15 partner and then stepped up after Mr. Soto was killed. And
16 then on Monday, September 11, 2006, Arzate received
17 25 kilograms of cocaine, which he had again transported through
18 the 62/180 checkpoint to Van Horn, Texas. That's all.

19 THE COURT: Mr. Arzate, are those facts true?

20 DEFENDANT ARZATE: Yes, sir.

21 THE COURT: All of them?

22 DEFENDANT ARZATE: Yes, sir.

23 THE COURT: Mr. Franco, let me hear the factual basis
24 of the allegations against Mr. Sandoval.

25 MR. FRANCO: Yes, Your Honor. The government would

11:34 1 show that on or about December 10, 2007, the defendant entered
2 the United States from Mexico at the Bridge of the Americas
3 Port of Entry. The defendant was the driver and sole occupant
4 of a 1994 Jeep Cherokee.

5 During primary inspection, the Customs & Border
6 Protection officer noticed the lack of crossing history of the
7 vehicle and referred it to secondary for further inspection.
8 That inspection revealed 55 bundles of marijuana wrapped in
9 tape hidden beneath the dashboard and gas tank of the vehicle.
10 The total net weight of the marijuana was 46.13 kilograms.

11 After waiving his Miranda rights, the defendant stated
12 that he knew the vehicle was loaded with an illegal drug. The
13 defendant was instructed to drive the vehicle to Fox Plaza
14 shopping mall where he was supposed to leave the vehicle. The
15 defendant agreed to drive the vehicle into the United States
16 because he was promised 1,000 U.S. dollars.

17 THE COURT: Mr. Sandoval, are those facts true?

18 DEFENDANT SANDOVAL: Yes, sir.

19 THE COURT: Let me hear Mr. Dominguez.

20 MR. FRANCO: Your Honor, the government would show
21 that on or about January 6, 2008, defendant entered the United
22 States from Mexico at the Bridge of the Americas Port of Entry,
23 which is located in the Western District of Texas. The
24 defendant was the driver and sole occupant of a 1989 GMC pickup
25 truck.

11:35 1 During primary inspection, the CBP officer noticed
2 that the sides of the truck felt unusually rigid and referred
3 the vehicle to secondary for further inspection. That
4 inspection revealed 52 bundles of marijuana hidden within the
5 rear quarter panels and dashboard of the vehicle. The total
6 net weight of the marijuana was 22.9 kilograms.

7 After waiving his Miranda rights, the defendant
8 admitted that he knew the vehicle was loaded with marijuana.
9 He agreed to drive the marijuana-laden vehicle into the
10 United States because he was promised 1,000 U.S. dollars. He
11 had planned to deliver the vehicle to an unidentified
12 individual at a store on McCombs Drive in El Paso for removal
13 of the marijuana.

14 THE COURT: Mr. Dominguez, are those facts true?

15 DEFENDANT DOMINGUEZ: Yes, Your Honor.

16 THE COURT: Let me hear the allegations -- excuse me,
17 the factual basis of the allegations against Mr. Ramirez,
18 please.

19 MR. FRANCO: Your Honor, the government would show
20 that on or about December 16, 2007, the defendant entered the
21 United States from Mexico at the Ysleta Port of Entry located
22 in the Western District of Texas. The defendant was the driver
23 and sole occupant of a 1986 Chevrolet Caprice.

24 During primary inspection, the Customs & Border
25 Protection officer noticed that the gas tank did not appear to

11:36 1 be hollow and referred the vehicle to secondary for further
2 inspection. That inspection revealed 84 bundles of marijuana
3 wrapped in tape, hidden in the tires and gas tank of the
4 vehicle. The total net weight of the marijuana was 37.17
5 kilograms.

6 After waiving his Miranda rights, the defendant stated
7 that he was offered \$1,000 to drive a vehicle that he thought
8 contained drugs into the United States. The defendant stated
9 that he knew the vehicle was loaded with marijuana.

10 THE COURT: Mr. Ramirez, are those facts true?

11 DEFENDANT RAMIREZ: Yes, sir.

12 THE COURT: Let me hear Mr. Bastedas, please.

13 MR. FRANCO: Your Honor, the government would show
14 that on or about December 20, 2007, defendant, along with
15 Daniel Adrian Larranaga, entered the United States from Mexico
16 at the Ysleta Port of Entry located in the Western District of
17 Texas. The defendant was the driver of a 1991 Chevy pickup
18 truck, and Mr. Larranaga was the passenger of the vehicle.

19 During primary inspection, the defendant appeared to
20 be nervous and was referred to secondary for further
21 inspection. That inspection revealed 16 bundles of marijuana
22 concealed in the tires of the vehicle. The total net weight of
23 the marijuana was 85.17 kilograms.

24 After waiving his Miranda rights, the defendant stated
25 that he and the other individual were to be paid \$2,000 to

11:38 1 drive an unknown amount of marijuana into the United States
2 from Mexico. They were to return to Mexico after delivering
3 the vehicle and split the money.

4 THE COURT: Mr. Bastedas, are those facts true?

5 DEFENDANT BASTEDAS: Yes, sir.

6 THE COURT: Let me hear Mr. Estrella's, please.

7 MR. FRANCO: Your Honor, the government would show
8 that on or about January 15, 2008, the defendant attempted to
9 enter the United States at the Paso Del Norte Port of Entry
10 located in the Western District of Texas by trying to
11 circumvent the primary inspection booth and eluding inspection
12 by U.S. officials.

13 It was determined through immigration records and/or
14 an interview with the defendant that the defendant was an alien
15 to the United States and a citizen and native of Mexico.

16 Immigration records reflect that the defendant was removed
17 through El Paso, Texas, on June 22, 2007. Immigration records
18 also reflect that defendant has not received the consent of the
19 Attorney General or the Secretary of Homeland Security to
20 re-apply for admission into the United States.

21 THE COURT: Mr. Estrella, are those facts true?

22 DEFENDANT ESTRELLA: Yes, sir (In English).

23 THE COURT: Let me hear Mr. Madrigal, please.

24 MR. FRANCO: Your Honor, the government would show
25 that on or about January 13, 2008, the defendant attempted to

11:39 1 enter the United States at the Paso Del Norte Port of Entry
2 located in the Western District of Texas by presenting a form
3 DSP-150 border crossing card bearing the name and photograph of
4 another individual to the Customs & Border Protection officers.
5 It was determined through immigration records and/or an
6 interview with the defendant that he was an alien to the United
7 States and a citizen and native of Mexico.

8 Immigration records reflect that the defendant was
9 removed from Nogales, Arizona, on October 26, 1995.

10 Immigration records also reflect that the defendant has not
11 received the consent of the Attorney General or the Secretary
12 of Homeland Security to re-apply for admission into the United
13 States.

14 THE COURT: Mr. Madrigal, are those facts true?

15 DEFENDANT MADRIGAL: Yes, sir.

16 THE COURT: Let me hear Mr. Rodriguez', please.

17 MR. FRANCO: Your Honor, the government would show
18 that on or about January 11, 2008, the defendant, along with
19 another individual, applied for admission into the United
20 States from Mexico at the Ysleta Port of Entry located in the
21 Western District of Texas. The defendant was the driver of a
22 1985 Mazda pickup truck.

23 During primary -- during a preprimary inspection, the
24 agents discovered a nonfactory compartment in the vehicle.
25 That compartment contained 51 tape-wrapped bundles of

11:40 1 marijuana. The approximate net weight of the marijuana was
2 26.55 kilograms.

3 After waiving his Miranda rights, the defendant
4 admitted that he knew there was marijuana concealed in the
5 vehicle. He explained that he was instructed to drop the car
6 off at a Checker's Auto Parts store located on North Loop and
7 Horizon Boulevard in El Paso, Texas. He further stated that he
8 was to be paid \$800 upon his return to Juarez, Mexico.

9 THE COURT: Mr. Rodriguez, are those facts true?

10 DEFENDANT RODRIGUEZ: Yes, sir.

11 THE COURT: Mr. Rodriguez, to count one of the
12 indictment in your case, how do you plead, guilty or not
13 guilty?

14 DEFENDANT RODRIGUEZ: Yes, sir.

15 THE COURT: To count one of the indictment in your
16 case, how do you plead, guilty or not guilty?

17 DEFENDANT RODRIGUEZ: Yes, sir.

18 (Consultation off the record.)

19 DEFENDANT RODRIGUEZ: Guilty or not guilty?

20 THE COURT: That's the question I have for you. Do
21 you understand what the government is saying you did wrong? Do
22 you understand that?

23 DEFENDANT RODRIGUEZ: Yes, sir, guilty.

24 THE COURT: Mr. Madrigal, to the indictment in your
25 case, how do you plead, guilty or not guilty?

11:41 1 DEFENDANT MADRIGAL: I plead guilty, sir.

2 THE COURT: Mr. Estrella, to the indictment in your
3 case, how do you plead, guilty or not guilty?

4 DEFENDANT ESTRELLA: I am guilty (In English).

5 THE COURT: Mr. Bastedas, to count one of the
6 indictment in your case, how do you plead, guilty or not
7 guilty?

8 DEFENDANT BASTEDAS: Guilty, Your Honor.

9 THE COURT: Mr. Dominguez, to count one of the
10 indictment in your case, how do you plead, guilty or not
11 guilty -- excuse me, Mr. Ramirez, to count one of the
12 indictment in your case, how do you plead, guilty or not
13 guilty?

14 DEFENDANT RAMIREZ: Guilty, Your Honor.

15 THE COURT: Mr. Dominguez, to count one of the
16 indictment in your case, how do you plead, guilty or not
17 guilty?

18 DEFENDANT DOMINGUEZ: Guilty, Your Honor.

19 THE COURT: Mr. Sandoval, to count one of the
20 indictment in your case, how do you plead, guilty or not
21 guilty?

22 DEFENDANT SANDOVAL: Guilty, sir.

23 THE COURT: Mr. Arzate, to the indictment in your
24 case, how do you plead, guilty or not guilty?

25 DEFENDANT ARZATE: Guilty.

11:42 1 THE COURT: I find that each one of you is pleading
2 guilty freely and voluntarily. I further find that you
3 understand the allegations the government is making against you
4 and the possible penalties you face by pleading guilty to those
5 allegations. I find that you understand your rights, that you
6 knowingly waive your rights, that you are competent to enter
7 your plea of guilty, and that there is a factual basis for your
8 plea of guilty, and I am accepting each of your pleas of guilty
9 at this time.

10 Who are the probation officers assigned to prepare the
11 presentence reports in these eight cases?

12 PROBATION OFFICER: Good morning, Your Honor. Esau
13 Hernandez for U.S. Probation. Arturo Zarate [sic] --

14 THE COURT: Arzate.

15 PROBATION OFFICER: Arzate, I'm sorry. Sonia Lujan
16 will be doing the PSR, a full PSR.

17 Eduardo Sandoval Escarzaga, the probation officer will
18 be Sam Hernandez, and it is a full PSR; Samuel Dominguez, Jr.,
19 Emilia Caro-Sanchez; Esteban Ramirez-Pena, Noemi Ramos; Carlos
20 Aaron Bastedas-Chacon, Noemi Ramos; Abraham Estrella-Moreno,
21 Norma Castro; Salvador Madrigal-Escamilla, Marisela Paniagua;
22 Jesus Rodriguez-Saucedo, Salvador Madrid.

23 They are all full PSRs.

24 THE COURT: All of them are full PSRs; is that
25 correct?

11:44 1 PROBATION OFFICER: Yes, Your Honor.

2 THE COURT: Very well. Adriana, go ahead and set
3 these cases for sentencing, please.

4 THE CLERK: June 17th at 9:00 for all defendants.

5 THE COURT: Very well. Is there anything else that we
6 need to take up, counsel?

7 MS. ROMERO: No, Your Honor.

8 MR. HOLGUIN: No, Your Honor.

9 MR. FRANCO: No, Your Honor.

10 MS. RODRIGUEZ: No, Your Honor.

11 THE COURT: Court is adjourned. You all take care.

12 * * * * *

13 I certify that the foregoing is a correct transcript
14 from the record of proceedings in the above-entitled matter. I
15 further certify that the transcript fees and format comply with
16 those prescribed by the Court and the Judicial Conference of
17 the United States.

18

19 Signature: /s/Nalene Benavides Date: August 6, 2008
20 Nalene Benavides, RMR, CRR

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